

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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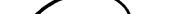
ROBERT E. HICKS) 2:11-CV-00104-PMP-LRL
Plaintiff,)
vs.)
DAVID ROGER, CATHERINE)
CORTEZ MASTO, HOWARD)
SKOLNIK, JACK PALMER, JIM)
GIBBONS and SCOTT KIPPER,)
Defendant.)
ORDER

Before the Court for consideration are Plaintiff Hicks' Application for Certificate of Appealability (Doc. #53) and Motion for Leave to Appeal *In Forma Pauperis* (Doc. #54) filed August 29, 2011.

The Court finds that Plaintiff's Motion for Leave to Appeal *In Forma Pauperis* is warranted in light of his financial condition. Plaintiff's Application for Certificate of Appealability, however, is in the judgment of this Court frivolous for the reasons set forth in the Order of Dismissal (Doc. #42) entered August 8, 2011.

IT IS THEREFORE ORDERED that Plaintiff Robert Hicks' Motion for Leave to Appeal *In Forma Pauperis* (Doc. #54) is **GRANTED**, and that Plaintiff's Application for Certificate of Appealability (Doc. #53) is **DENIED**.

DATED: September 8, 2011.


Philip M. Pro